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SUBJECT: Southern Sudan: Meeting with the Attorney General

¶11. (SBU) On February 9, CG Juba met with Government of Southern Sudan (GoSS) Attorney General (AG) Majok Mading Majok for the three Equatoria states (Note: Bahr el Jebel is often called Central Equatoria and reportedly will be officially renamed in the near future. End note.). A holdover from the old civil service managed by Khartoum, Majok said that his functions would soon be moved under the GoSS Ministry of Justice, although for the moment he continues to receive his salary from the North. In practice, he still works directly with the GNU police in investigating and prosecuting both civil and criminal cases.

New Court System: English Common Law Variant Vice Sharia

¶12. (SBU) Majok said that he expects the new court system to resemble the old in structure, but not in practice. There will be a southern Supreme Court with state Courts of Appeals that can review rulings of provincial courts and first, second, or third class magistrates. There will be juries, but at the provincial level rulings will be made by a single judge who must be a first class magistrate. There will also be High Courts at the state level, similar to Kenya or Uganda. The other main structural difference will be that the Supreme Court in Khartoum will no longer hold sway over southern courts. In practice, the South will replace sharia law with a variant of English Common Law.

¶13. (SBU) Majok said that customary law has been more influential in SPLA areas than in government garrison towns such as Juba. He identified a lack of codification as the main problem with customary law - the GoSS needed to codify and reconcile the various customary codes to avoid arbitrary rules by tribal and local authorities.

Challenges: Staffing, Training, English Use, Computers

¶14. (SBU) He identified staffing and training as the greatest challenges. The AG's office had inherited 32 senior staff from GOS garrison towns, with additional personnel expected to return from the North or from abroad. However, most returnees with legal backgrounds were opting for the judiciary rather than the office of the AG. He observed that this was an impossible small number for the entirety of Southern Sudan. Majok said that his staff required training at all levels, and especially English language training, since plans were afoot to switch court proceedings and investigative reports from Arabic to English. There were no computers

in the AG office, and no personnel trained to use them.

15. (SBU) Majok said that he did not know how many private attorneys practiced in Sudan, but he estimated that these numbered less than twenty. He said that he expected to continue in his present function and hoped that the GoSS would commit sufficient resources to establish communication between the AG office and states. He said that he was reluctant to travel from Juba by road for fear that he might be attacked by persons he had prosecuted successfully prosecuted in the past.

Comment

16. (SBU) Comment. Majok spoke with confidence about legal reform, but we are not convinced that he is fully in the know. It will be interesting to see how he and his thirty-two senior staff fare as the GoSS reviews the combined list of old and new civil servants to determine which persons are best qualified to fill existing slots. End comment.

Biodata

17. (SBU) Majok is a Dinka from Bor who was educated in Juba and Khartoum and worked in Khartoum, Port Sudan, and Gezira State in various capacities in the federal AG's office and with parastatal corporations. He is a practicing Episcopalian. Majok is kin to Charles Manyang, a lawyer who was formerly Sudan's Ambassador to Oslo and more recently currently Director of the MFA Treaties and International Law Legal Departmentivision.

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